

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1943

To consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, FEBRUARY 22), 1994

Mrs. KASSEBAUM (for herself, Mr. KERREY, Mr. DURENBERGER, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Job Training Consolidation Act of 1994”.

6       (b) TABLE OF CONTENTS.—The table of contents is  
7       as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—USE OF FEDERAL FUNDS FOR STATE EMPLOYMENT  
TRAINING ACTIVITIES

- Sec. 101. Formula assistance.
- Sec. 102. Discretionary assistance.
- Sec. 103. Trade adjustment assistance services.
- Sec. 104. Employment training activities.
- Sec. 105. Reports.

TITLE II—DEVELOPMENT OF STATE EMPLOYMENT TRAINING  
SYSTEMS

Subtitle A—Commission on Employment and Training

- Sec. 201. Establishment of Commission.
- Sec. 202. Powers of the Commission.
- Sec. 203. Commission personnel matters.
- Sec. 204. Termination of the Commission.
- Sec. 205. Authorization of appropriations.

Subtitle B—Consolidation of Employment Training Programs

- Sec. 211. Repeals of employment training programs.
- Sec. 212. Study and report.
- Sec. 213. Congressional consideration of proposed Commission reforms.

**1 SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) according to the General Accounting Of-  
4 fice—

5 (A) there are currently 154 Federal em-  
6 ployment training programs; and

7 (B) these programs cost nearly  
8 \$25,000,000,000 annually and are administered  
9 by 14 different Federal agencies;

10 (2) these programs target individual popu-  
11 lations such as economically disadvantaged persons,  
12 dislocated workers, youth, and persons with disabil-  
13 ities;

1           (3) many of these programs provide similar  
2           services, such as counseling, assessment, and literacy  
3           skills enhancement, resulting in overlapping services,  
4           wasted funds, and confusion on the part of local  
5           service providers and individuals seeking assistance;

6           (4) the Federal agencies administering these  
7           programs fail to collect enough performance data to  
8           know whether the programs are working effectively;

9           (5) the additional cost of administering overlap-  
10          ping employment training programs at the Federal,  
11          State, and local levels diverts scarce resources that  
12          could be better used to assist all persons in entering  
13          the work force, gaining basic skills, or retraining for  
14          new jobs;

15          (6) the conflicting eligibility requirements, and  
16          annual budgeting or operating cycles, of employment  
17          training programs create barriers to coordination of  
18          the programs that may restrict access to services  
19          and result in inefficient use of resources;

20          (7) despite more than 30 years of federally  
21          funded employment training programs, the Federal  
22          Government has no single, coherent policy guiding  
23          its employment training efforts;

24          (8) the Federal Government has failed to ade-  
25          quately maximize the effectiveness of the substantial

1 public and private sector resources of the United  
2 States for training and work-related education; and  
3 (9) the Federal Government lacks a national  
4 labor market information system, which is needed to  
5 provide current data on jobs and skills in demand in  
6 different regions of the country.

7 **SEC. 3. DEFINITIONS.**

8 As used in this Act:

9 (1) COVERED ACT.—The term “covered Act”  
10 means an Act described in paragraph (3).

11 (2) COVERED ACTIVITY.—The term “covered  
12 activity” means an activity authorized to be carried  
13 out under a covered provision.

14 (3) COVERED PROVISION.—The term “covered  
15 provision” means a provision of—

16 (A) the Job Training Partnership Act (29  
17 U.S.C. 1501 et seq.);

18 (B) the Carl D. Perkins Vocational and  
19 Applied Technology Education Act (20 U.S.C.  
20 2301 et seq.);

21 (C) part B of title III of the Adult Edu-  
22 cation Act (20 U.S.C. 1203 et seq.);

23 (D) part F of title IV of the Social Secu-  
24 rity Act (42 U.S.C. 681 et seq.);

1 (E) section 235 or 236, or paragraph (1)  
2 or (2) of section 250(d), of the Trade Act of  
3 1974 (19 U.S.C. 2295, 2296, or 2331(d));

4 (F) the Wagner-Peyser Act (29 U.S.C. 49  
5 et seq.);

6 (G) title I of the Rehabilitation Act of  
7 1973 (29 U.S.C. 720 et seq.);

8 (H) section 6(d)(4) of the Food Stamp Act  
9 of 1977 (7 U.S.C. 2015(d)(4));

10 (I) the Refugee Education Assistance Act  
11 of 1980 (8 U.S.C. 1522 note);

12 (J) section 204 of the Immigration Reform  
13 and Control Act of 1986 (8 U.S.C. 1255a  
14 note);

15 (K) title VII of the Stewart B. McKinney  
16 Homeless Assistance Act (42 U.S.C. 11421 et  
17 seq.); and

18 (L) title V of the Older Americans Act of  
19 1965 (42 U.S.C. 3056 et seq.).

20 (4) LOCAL ENTITY.—The term “local entity”  
21 includes public and private entities.

1 **TITLE I—USE OF FEDERAL**  
2 **FUNDS FOR STATE EMPLOY-**  
3 **MENT TRAINING ACTIVITIES**

4 **SEC. 101. FORMULA ASSISTANCE.**

5 (a) USE OF FUNDS.—Notwithstanding any other pro-  
6 vision of Federal law, a State that receives State formula  
7 assistance for a covered activity for a fiscal year may use  
8 the assistance to carry out activities as described in sec-  
9 tion 104 for the fiscal year. Notwithstanding any other  
10 provision of Federal law, a local entity that receives local  
11 formula assistance for a covered activity for a fiscal year  
12 may use the assistance to carry out activities as described  
13 in section 104 for the fiscal year.

14 (b) REQUIREMENTS.—

15 (1) IN GENERAL.—Except as otherwise pro-  
16 vided in this subsection, a State may use such State  
17 formula assistance, and a local entity may use such  
18 local formula assistance, to carry out activities as  
19 described in section 104, without regard to the re-  
20 quirements of any covered Act.

21 (2) REMAINING PROGRAM REQUIREMENTS.—

22 (A) ALLOCATION AND ENFORCEMENT.—

23 Any head of a Federal agency that allocates  
24 State formula assistance, and any State that al-

1 locates local formula assistance, for a covered  
2 activity—

3 (i) shall allocate such assistance in ac-  
4 cordance with allocation requirements that  
5 are specified in the covered Acts and that  
6 relate to the covered activity, including  
7 provisions relating to minimum or maxi-  
8 mum allocations; and

9 (ii)(I) if the State or local entity uses  
10 such assistance to carry out the covered  
11 activity, shall exercise the enforcement and  
12 oversight authorities that are specified in  
13 the covered Acts and that relate to the cov-  
14 ered activity; and

15 (II) if the State or local entity does  
16 not use such assistance to carry out the  
17 covered activity, shall exercise such au-  
18 thorities solely for the purpose of ensuring  
19 that the assistance is used to carry out ac-  
20 tivities as described in section 104, and in  
21 accordance with the applicable require-  
22 ments of this title.

23 (B) ADMINISTRATIVE EXPENSE LIMITS.—

24 Each State that receives State formula assist-

1           ance, and each local entity that receives local  
2           formula assistance, for a covered activity—

3                   (i) shall comply with any limits on ad-  
4                   ministrative expenses that are specified in  
5                   the covered Acts and that relate to the cov-  
6                   ered activity; and

7                   (ii) for any fiscal year, may not use a  
8                   greater percentage of the State formula as-  
9                   sistance or local formula assistance to pay  
10                  for the administrative expenses of activities  
11                  carried out under section 104 than the  
12                  State or entity used to pay for such admin-  
13                  istrative expenses relating to the covered  
14                  activity for fiscal year 1994.

15           (C) CONDITIONAL BENEFITS.—Any State  
16           that receives State formula assistance to carry  
17           out a covered activity described in a covered  
18           provision specified in subparagraph (D) or (H)  
19           of section 3(3) and that uses the assistance to  
20           carry out activities as described in section 104  
21           shall carry out an activity that is appropriate  
22           for persons who would otherwise be eligible to  
23           participate in the covered activity. Any person  
24           in the State who would otherwise be required to  
25           participate in the covered activity in order to



1 obtain Federal assistance under a covered Act  
2 shall be eligible to receive the assistance by par-  
3 ticipating in such appropriate activity.

4 (D) AVAILABILITY OF APPROPRIATIONS.—  
5 Nothing in this section shall affect the period  
6 for which any appropriation under a covered  
7 Act remains available.

8 (c) DEFINITIONS.—As used in this section:

9 (1) LOCAL FORMULA ASSISTANCE.—The term  
10 “local formula assistance” means assistance made  
11 available by a State to a local entity under—

12 (A)(i) subsections (a)(2) and (b) of section  
13 202 of the Job Training Partnership Act (29  
14 U.S.C. 1602);

15 (ii) section 252(b) of such Act (29 U.S.C.  
16 1631(b)) in accordance with subsections (a)(2)  
17 and (b) of section 262 of such Act (29 U.S.C.  
18 1642);

19 (iii) subsections (a)(2) and (b) of section  
20 262 of such Act (29 U.S.C. 1642); or

21 (iv) subsections (a)(1), (b), and (d) of sec-  
22 tion 302 of such Act (29 U.S.C. 1652);

23 (B)(i) section 102(a)(1), and section  
24 231(a) or 232 of the Carl D. Perkins Voca-

1            tional Education Act (20 U.S.C. 2312(a)(1),  
2            and 2341(a) or 2341a); or

3            (ii) section 353(b) of such Act (20 U.S.C.  
4            2395b(b)); or

5            (C) section 722(g)(3)(B) of the Stewart B.  
6            McKinney Homeless Assistance Act (42 U.S.C.  
7            11432(g)(3)(B).

8            (2) STATE FORMULA ASSISTANCE.—The term  
9            “State formula assistance” means assistance made  
10          available by an agency of the Federal Government to  
11          a State under—

12            (A)(i) subsections (a)(2) and (c) of section  
13            202 of the Job Training Partnership Act (29  
14            U.S.C. 1602);

15            (ii) subsections (a)(2) and (c) of section  
16            262 of such Act (29 U.S.C. 1642);

17            (iii) subsections (a)(1), (b), and (c)(1) of  
18            section 302 of such Act (29 U.S.C. 1652); or

19            (iv) sections 502(d) and 503 of such Act  
20            (29 U.S.C. 1791a(d));

21            (B)(i) section 101(a)(2) of the Carl D.  
22            Perkins Vocational Education Act (20 U.S.C.  
23            2311(a)(2)) (other than assistance made avail-  
24            able under section 231(a) or 232 of such Act  
25            (20 U.S.C. 2341(a) or 2341a) to local edu-

1           cational agencies or other local entities within  
2           the State);

3                 (ii) section 112(f) of such Act (20 U.S.C.  
4           2322(f)); or

5                 (iii) section 343(b)(1) of such Act (20  
6           U.S.C. 2394a(b)(1));

7                 (C) section 313(b) of the Adult Education  
8           Act (20 U.S.C. 1201b(b)) (other than assist-  
9           ance reserved to carry out part D of title III of  
10          such Act (20 U.S.C. 1213 et seq.));

11                (D) subsection (k) or (l) of section 403 of  
12          the Social Security Act (42 U.S.C. 603);

13                (E) section 6(b)(1) of the Wagner-Peyser  
14          Act (29 U.S.C. 49e(b)(1));

15                (F)(i) subsection (a) or (b) of section 110  
16          of the Rehabilitation Act of 1973 (29 U.S.C.  
17          730) (less any amount reserved under sub-  
18          section (d) of such section);

19                (ii) section 112(e) of such Act (29 U.S.C.  
20          732(e)); or

21                (iii) section 124 of such Act (29 U.S.C.  
22          744);

23                (G) section 16(h)(1) of the Food Stamp  
24          Act of 1977 (7 U.S.C. 2025(h)(1)) (other than

1 funds made available under subparagraph (B)  
2 of such section);

3 (H)(i) section 201(b) of the Refugee Edu-  
4 cation Assistance Act of 1980 (8 U.S.C. 1522  
5 note);

6 (ii) section 301(b) of such Act (8 U.S.C.  
7 1522 note); or

8 (iii) section 401(b) of such Act (8 U.S.C.  
9 1522 note);

10 (I) section 204(b) of the Immigration Re-  
11 form and Control Act of 1986 (8 U.S.C. 1255a  
12 note);

13 (J)(i) section 722(b) of the Stewart B.  
14 McKinney Homeless Assistance Act (42 U.S.C.  
15 11432(b)) (other than funds made available  
16 under section 722(g)(3)(B) of such Act); or

17 (ii) section 752(a) of such Act (42 U.S.C.  
18 11462(a)); or

19 (K) section 506(a)(3) of the Older Ameri-  
20 cans Act of 1965 (42 U.S.C. 3056d(a)(3)).

21 **SEC. 102. DISCRETIONARY ASSISTANCE.**

22 (a) IN GENERAL.—

23 (1) PRIOR ASSISTANCE.—Notwithstanding any  
24 other provision of Federal law, a State or local en-  
25 tity that received, prior to the date of enactment of

1       this Act, discretionary assistance for a covered activ-  
2       ity for a fiscal year may use the assistance to carry  
3       out activities as described in section 104 for the  
4       fiscal year.

5           (2) FUTURE ASSISTANCE.—Notwithstanding  
6       any other provision of Federal law, a State or local  
7       entity that is eligible to apply for discretionary as-  
8       sistance for a covered activity for a fiscal year may  
9       apply, as described in subsection (c), for the assist-  
10      ance to carry out activities as described in section  
11      104 for the fiscal year.

12      (b) USE OF FUNDS.—

13           (1) IN GENERAL.—Except as otherwise pro-  
14      vided in this subsection, a State or local entity that  
15      receives discretionary assistance prior to the date of  
16      enactment of this Act or on approval of an applica-  
17      tion submitted under subsection (c) may use the dis-  
18      cretionary assistance to carry out activities as de-  
19      scribed in section 104, without regard to the require-  
20      ments of any covered Act.

21           (2) REMAINING PROGRAM REQUIREMENTS.—A  
22      State or local entity that uses discretionary assist-  
23      ance to carry out such activities shall use the assist-  
24      ance in accordance with the requirements of sub-  
25      paragraphs (A), (B), and (D) of section 101(b)(2),

1       which shall apply to such assistance in the same  
2       manner and to the same extent as the requirements  
3       apply to State formula assistance or local formula  
4       assistance, as appropriate, used under section 101.

5       (c) ADDITIONAL INFORMATION IN APPLICATION.—A  
6       State or local entity seeking to use discretionary assistance  
7       as described in subsection (a)(2) shall include in the appli-  
8       cation (under the covered provision involved) of the State  
9       or local entity for the assistance (in lieu of any informa-  
10      tion otherwise required to be submitted)—

11           (1) a description of the funds the State or local  
12      entity proposes to use to carry out activities as de-  
13      scribed in section 104;

14           (2) a description of the activities to be carried  
15      out with such funds;

16           (3) a description of the specific outcomes ex-  
17      pected of participants in the activities; and

18           (4) such other information as the head of the  
19      agency with responsibility for evaluating the applica-  
20      tion may require.

21       (d) EVALUATION OF APPLICATION.—In evaluating an  
22      application described in subsection (c), the agency with re-  
23      sponsibility for evaluating the application shall evaluate  
24      the application by determining the likelihood that the  
25      State or local entity submitting the application will be able

1 to carry out activities as described in section 104. In eval-  
2 uating applications for discretionary assistance, the agen-  
3 cy shall not give preference to applications proposing cov-  
4 ered activities over applications proposing activities de-  
5 scribed in section 104.

6 (e) DEFINITION.—As used in this section, the term  
7 “discretionary assistance” means assistance that—

8 (1) is not State formula assistance or local for-  
9 mula assistance, as defined in section 101(c);

10 (2) is not Federal assistance available to pro-  
11 vide services described in section 235 or 236, or  
12 paragraph (1) or (2) of section 250(d), of the Trade  
13 Act of 1974 (19 U.S.C. 2295, 2296, or 2331(d));  
14 and

15 (3) is made available by an agency of the Fed-  
16 eral Government, or by a State, to a State or local  
17 entity to enable the State or local entity to carry out  
18 an activity under a covered provision.

19 **SEC. 103. TRADE ADJUSTMENT ASSISTANCE SERVICES.**

20 (a) USE OF ASSISTANCE.—

21 (1) IN GENERAL.—Notwithstanding any other  
22 provision of Federal law, if the Secretary of Labor  
23 initiates efforts under section 235 of the Trade Act  
24 of 1974 (19 U.S.C. 2295) to secure services de-  
25 scribed in such section 235 (including services that

1 are provided under section 250(d)(1) of such Act  
2 (19 U.S.C. 2331(d)(1))) for a worker, or if the Sec-  
3 retary makes a determination under section 236(a)  
4 of the Trade Act of 1974 (19 U.S.C. 2296(a)) that  
5 entitles a worker to payments described in such sec-  
6 tion for services (including services for which pay-  
7 ment is provided under section 250(d)(2) of such  
8 Act), the Secretary shall notify the State in which  
9 the worker is located.

10 (2) ACTIVITIES.—A State that receives such no-  
11 tification may apply under subsection (c) for the  
12 Federal assistance that would otherwise have been  
13 expended to provide services described in paragraph  
14 (1) to the worker, to enable the State to carry out  
15 activities as described in section 104 for the fiscal  
16 year. If the State has received such assistance in ad-  
17 vance, the State may apply under subsection (c) to  
18 use such assistance to enable the State to carry out  
19 activities as described in section 104 for the fiscal  
20 year.

21 (b) REQUIREMENTS.—

22 (1) IN GENERAL.—Except as otherwise pro-  
23 vided in this subsection, a State that receives such  
24 Federal assistance and receives approval of an appli-  
25 cation submitted under subsection (c) may use the



1 assistance to carry out activities as described in sec-  
2 tion 104, without regard to the requirements of any  
3 covered Act.

4 (2) REMAINING PROGRAM REQUIREMENTS.—A  
5 State that uses such Federal assistance to carry out  
6 such activities shall use the assistance in accordance  
7 with the requirements of subparagraphs (A)(ii), (B),  
8 and (D) of section 101(b)(2), which shall apply to  
9 such assistance in the same manner and to the same  
10 extent as the requirements apply to State formula  
11 assistance or local formula assistance, as appro-  
12 priate, used under section 101.

13 (3) CONDITIONAL BENEFITS.—Any State that  
14 receives Federal assistance that would otherwise  
15 have been expended to provide services described in  
16 subsection (a)(1) to a worker, and that uses the as-  
17 sistance to carry out activities as described in sec-  
18 tion 104, shall carry out eligible alternative activities  
19 that are appropriate for the worker. If the worker  
20 would otherwise be required to receive such services  
21 in order to obtain Federal funds under another pro-  
22 vision of chapter 2 of title II of the Trade Act of  
23 1974 (19 U.S.C. 2291 et seq.), the worker shall be  
24 eligible to receive the funds by participating in such  
25 eligible alternative activities.

1 (c) ADDITIONAL INFORMATION IN APPLICATION.—A  
2 State seeking to use Federal assistance that would other-  
3 wise have been expended to provide services described in  
4 subsection (a)(1) to a worker shall submit an application  
5 to the Secretary of Labor, at such time and in such man-  
6 ner as the Secretary may require, that contains—

7 (1) a description of the Federal assistance the  
8 State proposes to use to carry out activities as de-  
9 scribed in section 104;

10 (2) a description of the activities to be carried  
11 out with such assistance;

12 (3) a description of the specific outcomes ex-  
13 pected of participants in the activities; and

14 (4) such other information as the Secretary of  
15 Labor may require.

16 (d) EVALUATION OF APPLICATION.—In evaluating an  
17 application described in subsection (c), the Secretary of  
18 Labor shall evaluate the application by determining the  
19 likelihood that the State submitting the application will  
20 be able to carry out activities as described in section 104.  
21 In evaluating applications for such Federal assistance, the  
22 Secretary of Labor shall not give preference to applica-  
23 tions proposing covered activities over applications propos-  
24 ing activities described in section 104.

1 **SEC. 104. EMPLOYMENT TRAINING ACTIVITIES.**

2 A State or local entity that receives State formula  
3 assistance or local formula assistance as described in sec-  
4 tion 101(a), receives discretionary assistance as described  
5 in section 102(b), or receives Federal assistance as de-  
6 scribed in section 103(b), may—

7 (1) use the assistance to carry out activities to  
8 develop a comprehensive statewide employment  
9 training system that—

10 (A) is primarily designed and implemented  
11 by communities to serve local labor markets in  
12 the State involved;

13 (B) requires the participation and involve-  
14 ment of private sector employers in all phases  
15 of the planning, development, and implementa-  
16 tion of the system, including—

17 (i) determining the skills to be devel-  
18 oped by each employment training program  
19 carried out through the system; and

20 (ii) designing the training to be pro-  
21 vided by each such program;

22 (C) assures that State and local training  
23 efforts are linked to available employment op-  
24 portunities;

25 (D) includes standards for determining the  
26 effectiveness of such programs; and

1 (E) is an integrated system that assures  
 2 that individuals seeking employment in the  
 3 State will receive information about all available  
 4 employment training services provided in the  
 5 State, regardless of where the individuals ini-  
 6 tially enter the system; or

7 (2) may use the assistance that would otherwise  
 8 have been used to carry out 2 or more covered ac-  
 9 tivities—

10 (A) to address the high priority needs of  
 11 unemployed persons in the State or community  
 12 involved for employment training services;

13 (B) to improve efficiencies in the delivery  
 14 of the covered activities; or

15 (C) in the case of overlapping or duplica-  
 16 tive activities—

17 (i) by combining the covered activities  
 18 and funding the combined activities; or

19 (ii) by eliminating one of the covered  
 20 activities and increasing the funding to the  
 21 remaining covered activity.

22 **SEC. 105. REPORTS.**

23 (a) STATE REPORTS.—

24 (1) PREPARATION.—A State that receives State  
 25 formula assistance as described in section 101(a),

1 receives discretionary assistance as described in sec-  
2 tion 102(b), or receives Federal assistance as de-  
3 scribed in section 103(b), and that uses the assist-  
4 ance to carry out activities as described in section  
5 104 shall annually prepare a report containing—

6 (A) information on the amount and origin  
7 of such assistance;

8 (B) information on the activities carried  
9 out with such assistance;

10 (C) information regarding the populations  
11 to be served with such assistance, such as eco-  
12 nomically disadvantaged persons, dislocated  
13 workers, youth, and individuals with disabilities;

14 (D) a summary of the reports received by  
15 the State under subsection (b); and

16 (E) such other information as the Sec-  
17 retaries, in consultation with the Commission,  
18 may require.

19 (2) SUBMISSION.—The State shall submit the  
20 report described in paragraph (1)—

21 (A) with respect to the activities carried  
22 out during the year beginning on the date of  
23 enactment of this Act, to the Chairperson of the  
24 Commission, the Committee on Education and  
25 Labor of the House of Representatives, and the

1 Committee on Labor and Human Resources of  
2 the Senate, not later than 60 days after the end  
3 of such year; and

4 (B) with respect to the activities carried  
5 out during the subsequent year, to the commit-  
6 tees specified in subparagraph (A), not later  
7 than 60 days after the end of such year.

8 (b) LOCAL ENTITY REPORTS.—

9 (1) PREPARATION.—A local entity that receives  
10 local formula assistance as described in section  
11 101(a), or that receives discretionary assistance as  
12 described in section 102(b), and uses the assistance  
13 to carry out activities as described in section 104  
14 shall annually prepare a report containing—

15 (A) information on the amount and origin  
16 of such assistance;

17 (B) information on the activities carried  
18 out with such assistance;

19 (C) information regarding the populations  
20 to be served with such assistance, such as eco-  
21 nomically disadvantaged persons, dislocated  
22 workers, youth, and individuals with disabilities;  
23 and

24 (D) such other information as the State  
25 that allocated the assistance may require.

(2) SUBMISSION.—The local entity shall submit the report described in paragraph (1)—

(A) with respect to the activities carried out during the year beginning on the date of enactment of this Act, to the State not later than 30 days after the end of such year; and

(B) with respect to the activities carried out during the subsequent year, to the State not later than 30 days after the end of such subsequent year.

## **TITLE II—DEVELOPMENT OF STATE EMPLOYMENT TRAIN- ING SYSTEMS**

### **Subtitle A—Commission on Employment and Training**

#### **SEC. 201. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Employment and Training (referred to in this Act as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 7 members, including—

(A) 4 members, appointed by the President;

1 (B) the Secretary of Labor;

2 (C) the Secretary of Education; and

3 (D) the Secretary of Commerce.

4 (2) QUALIFICATIONS.—In appointing the 4  
5 members of the Commission described in paragraph  
6 (1)(A), the President shall appoint members from  
7 among persons representing private sector busi-  
8 nesses, and shall select the 4 members so as to en-  
9 sure representation of both small and large busi-  
10 nesses.

11 (3) CONSULTATION.—In selecting individuals  
12 for nominations for appointments to the Commission  
13 under paragraph (1)(A), the President shall consult  
14 with—

15 (A) the Speaker of the House of Rep-  
16 resentatives concerning the appointment of 1  
17 member;

18 (B) the Majority Leader of the Senate con-  
19 cerning the appointment of 1 member;

20 (C) the Minority Leader of the House of  
21 Representatives concerning the appointment of  
22 1 member; and

23 (D) the Minority Leader of the Senate  
24 concerning the appointment of the remaining  
25 member.



1           (4) DATE.—The President shall appoint the 4  
2       members of the Commission not later than 60 days  
3       after the date of enactment of this Act.

4       (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
5       bers shall be appointed for the life of the Commission. Any  
6       vacancy in the Commission shall not affect the powers of  
7       the Commission, but shall be filled in the same manner  
8       as the original appointment.

9       (d) FUNCTIONS.—The Commission shall carry out  
10      the functions described in section 212.

11      (e) MEETINGS.—

12           (1) FREQUENCY.—The Commission shall meet  
13      not less often than 4 times per year.

14           (2) OPEN MEETINGS.—Each meeting of the  
15      Commission shall be open to the public.

16           (3) VOTING.—For purposes of all votes of the  
17      Commission, the 4 members described in subsection  
18      (b)(1)(A) shall each have 1 vote, and the remaining  
19      3 members shall collectively have a fifth vote. Such  
20      3 members shall determine how such fifth vote shall  
21      be cast, by a majority vote among as many of the  
22      3 members as are in attendance.

23           (4) CABINET OFFICIALS.—Each person holding  
24      a position described in section 5312 of title 5,

1 United States Code, may attend and present infor-  
2 mation at any meeting of the Commission.

3 (f) QUORUM.—A majority of the members of the  
4 Commission shall constitute a quorum, but a lesser num-  
5 ber of members may hold hearings.

6 (g) CHAIRPERSON.—The Commission shall elect a  
7 Chairperson from among the members described in sub-  
8 section (b)(1)(A).

9 **SEC. 202. POWERS OF THE COMMISSION.**

10 (a) HEARINGS.—The Commission may hold such  
11 hearings, sit and act at such times and places, take such  
12 testimony, and receive such evidence as the Commission  
13 considers advisable to carry out the purposes of this Act.

14 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
15 Commission may secure directly from any Federal agency  
16 such information as the Commission considers necessary  
17 to carry out the provisions of this Act. Upon request of  
18 the Chairperson of the Commission, the head of such  
19 agency shall furnish such information to the Commission.

20 (c) POSTAL SERVICES.—The Commission may use  
21 the United States mails in the same manner and under  
22 the same conditions as other agencies of the Federal  
23 Government.

24 (d) GIFTS.—The Commission may accept, use, and  
25 dispose of gifts or donations of services or property.

1 **SEC. 203. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—

3 (1) MEMBER.—Each member of the Commis-  
4 sion who is not the Chairperson of the Commission  
5 and who is not an officer or employee of the Federal  
6 Government shall be compensated at a rate equal to  
7 the daily equivalent of the annual rate of basic pay  
8 prescribed for level IV of the Executive Schedule  
9 under section 5315 of title 5, United States Code,  
10 for each day (including travel time) during which  
11 such member is engaged in the performance of the  
12 duties of the Commission. All members of the Com-  
13 mission who are officers or employees of the United  
14 States shall serve without compensation in addition  
15 to that received for their services as officers or em-  
16 ployees of the United States.

17 (2) CHAIRPERSON.—The Chairperson of the  
18 Commission shall be paid for each day referred to in  
19 paragraph (1) at a rate equal to the daily equivalent  
20 of the annual rate of basic pay prescribed for level  
21 III of the Executive Schedule under section 5314 of  
22 title 5, United States Code.

23 (b) TRAVEL EXPENSES.—The members of the Com-  
24 mission shall be allowed travel expenses, including per  
25 diem in lieu of subsistence, at rates authorized for employ-  
26 ees of agencies under subchapter I of chapter 57 of title

1 5, United States Code, while away from their homes or  
2 regular places of business in the performance of services  
3 for the Commission.

4 (c) DIRECTOR OF STAFF.—

5 (1) APPOINTMENT.—The Commission may,  
6 without regard to the civil service laws and regula-  
7 tions, appoint and terminate an individual who has  
8 not served as an employee of the Department of  
9 Labor, the Department of Education, or the Depart-  
10 ment of Commerce during the 1-year period preced-  
11 ing the date of such appointment, to serve as the  
12 Director of the Commission.

13 (2) COMPENSATION.—The Director shall be  
14 paid at the rate of basic pay prescribed for level IV  
15 of the Executive Schedule under section 5315 of title  
16 5, United States Code.

17 (d) STAFF.—

18 (1) IN GENERAL.—The Director, with the ap-  
19 proval of the Commission, may, without regard to  
20 the civil service laws and regulations, appoint and  
21 terminate such personnel as may be necessary to en-  
22 able the Commission to perform its duties. Not less  
23 than 50 percent of such personnel shall be appointed  
24 from individuals who were employed in the private

1 sector immediately prior to appointment as person-  
2 nel of the Commission.

3 (2) COMPENSATION.—The Director, with the  
4 approval of the Commission, may fix the compensa-  
5 tion of the personnel without regard to the provi-  
6 sions of chapter 51 and subchapter III of chapter 53  
7 of title 5, United States Code, relating to classifica-  
8 tion of positions and General Schedule pay rates, ex-  
9 cept that the rate of pay for the personnel may not  
10 exceed the annual rate of basic pay prescribed for  
11 level V of the Executive Schedule under section 5316  
12 of such title.

13 (e) DETAIL OF GOVERNMENT EMPLOYEES.—

14 (1) IN GENERAL.—Upon request of the Direc-  
15 tor, with the approval of the Commission, the head  
16 of any Federal agency may detail any of the person-  
17 nel of that agency to the Commission to assist the  
18 Commission in carrying out its duties under this  
19 part. Such detail shall be without interruption or  
20 loss of civil service status or privilege.

21 (2) LIMITATIONS.—Not more than 50 percent  
22 of the personnel employed by or detailed to the Com-  
23 mission may be on detail from any agency of the  
24 Federal Government. No officer or employee of any  
25 of such an agency may prepare, or approve or dis-

1 approve, the report described in section 212, except  
2 by casting a vote as provided in section 201(e)(3).

3 (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
4 TENT SERVICES.—The Chairperson of the Commission  
5 may procure temporary and intermittent services under  
6 section 3109(b) of title 5, United States Code, at rates  
7 for individuals which do not exceed the daily equivalent  
8 of the annual rate of basic pay prescribed for level IV of  
9 the Executive Schedule under section 5315 of such title.

10 **SEC. 204. TERMINATION OF THE COMMISSION.**

11 The Commission shall terminate 90 days after the  
12 date on which the Commission submits the report of the  
13 Commission under section 212(b).

14 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-  
16 priated \$15,000,000 for fiscal year 1995 to carry out the  
17 functions of the Commission.

18 (b) AVAILABILITY.—Any sums appropriated under  
19 the authorization contained in this section shall remain  
20 available, without fiscal year limitation, until expended.

**Subtitle B—Consolidation of  
Employment Training Programs**

**SEC. 211. REPEALS OF EMPLOYMENT TRAINING PRO-  
GRAMS.**

(a) IN GENERAL.—The following provisions are re-  
pealed:

(1) The Job Training Partnership Act (29  
U.S.C. 1501 et seq.).

(2) The Carl D. Perkins Vocational and Applied  
Technology Education Act (20 U.S.C. 2301 et seq.).

(3) Part B of title III of the Adult Education  
Act (20 U.S.C. 1203 et seq.).

(4) Part F of title IV of the Social Security Act  
(42 U.S.C. 681 et seq.).

(5) Sections 235 and 236 of the Trade Act of  
1974 (19 U.S.C. 2295 and 2296), and paragraphs  
(1) and (2) of section 250(d) of such Act (19 U.S.C.  
2331(d)).

(6) The Wagner-Peyser Act (29 U.S.C. 49 et  
seq.).

(7) Title I of the Rehabilitation Act of 1973  
(29 U.S.C. 720 et seq.).

(8) Section 6(d)(4) of the Food Stamp Act of  
1977 (7 U.S.C. 2015(d)(4)).

1           (9) The Refugee Education Assistance Act of  
2           1980 (8 U.S.C. 1522 note).

3           (10) Section 204 of the Immigration Reform  
4           and Control Act of 1986 (8 U.S.C. 1255a note).

5           (11) Title VII of the Stewart B. McKinney  
6           Homeless Assistance Act (42 U.S.C. 11421 et seq.).

7           (12) Title V of the Older Americans Act of  
8           1965 (42 U.S.C. 3056 et seq.).

9           (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
10          Section 250(d) of the Trade Act of 1974 (as amended by  
11          subsection (a)(5)) is amended by redesignating para-  
12          graphs (3), (4), and (5) as paragraphs (1), (2), and (3),  
13          respectively.

14          (c) EFFECTIVE DATE.—The repeals made by sub-  
15          section (a), and the amendments made by subsection (b),  
16          shall take effect 29 months after the date of enactment  
17          of this Act.

18          **SEC. 212. STUDY AND REPORT.**

19          (a) STUDY.—The Commission shall, in consultation  
20          with the appropriate agencies of the Federal Government,  
21          the appropriate committees of the Congress, the Director  
22          of the Office of Management and Budget, and States and  
23          local entities, conduct a study to—

24                  (1) develop a single, coherent national policy, to  
25                  guide federally funded employment training efforts,



1       that would assist individuals in entering the work  
2       force, gaining skills, adding to skills, or retraining  
3       for new jobs;

4               (2)(A)(i) review the programs and activities  
5       that are being carried out under the provisions de-  
6       scribed in section 211(a);

7               (ii) review the reports submitted under section  
8       105(a)(2)(A) concerning activities described in sec-  
9       tion 104 that are carried out under title I, especially  
10      activities related to efforts to develop comprehensive  
11      statewide employment systems; and

12              (iii) review all other Federal employment train-  
13      ing programs; and

14              (B) examine strategies for consolidating or  
15      eliminating the programs and activities described in  
16      subparagraph (A) to create a single, comprehensive  
17      employment training system that—

18                      (i) gives the States maximum flexibility in  
19                      carrying out employment training programs  
20                      through the system;

21                      (ii) leads to a single, integrated approach  
22                      to employment training that assures that indi-  
23                      viduals seeking employment in a State will re-  
24                      ceive information about all available employ-  
25                      ment training services provided through the

1 system, regardless of where the individuals ini-  
2 tially enter the system; and

3 (iii) leads to a single, integrated approach  
4 to job training that requires the participation  
5 and involvement of private sector employers in  
6 the planning, development and implementation  
7 of locally established employment training ini-  
8 tiatives;

9 (3) examine strategies for encouraging partici-  
10 pation by private sector employers in local employ-  
11 ment training programs that link local training ef-  
12 forts to available employment opportunities;

13 (4) determine the best administrative structure  
14 for such a system, and the agency that will conduct  
15 Federal oversight of the system;

16 (5) examine strategies for implementing a na-  
17 tional online labor market information system to  
18 provide States and units of general local government  
19 with—

20 (A) descriptions of job duties, training and  
21 education requirements, working conditions,  
22 and characteristics of occupations;

23 (B) current supply and demand statistics  
24 on various job skills;

1 (C) information on geographic locations  
2 where specific jobs and job skills are in greatest  
3 demand; and

4 (D) information on the best practices used  
5 by other States in providing the most effective  
6 employment services and training to workers;  
7 and

8 (6) determine appropriate standards—

9 (A) for the Federal Government to meas-  
10 ure the overall effectiveness of employment  
11 training programs;

12 (B) for the States to provide the most ef-  
13 fective employment services; and

14 (C) that specify a common terminology for  
15 programs and services carried out under the  
16 system, in order to facilitate access to such  
17 services among States and localities.

18 (b) REPORT.—Not later than 26 months after the  
19 date of enactment of this Act, the Commission shall—

20 (1) prepare and submit to the Committee on  
21 Education and Labor of the House of Representa-  
22 tives and the Committee on Labor and Human Re-  
23 sources of the Senate a report containing the find-  
24 ings of the Commission, and recommendations for

1 proposed reforms, based on the study described in  
2 subsection (a); and

3 (2) submit to the Congress a draft of a joint  
4 resolution containing provisions to—

5 (A) consolidate or eliminate the programs  
6 and activities described in subsection (a)(2)(A)  
7 to create the national employment training sys-  
8 tem described in subsection (a)(2)(B);

9 (B) implement strategies described in sub-  
10 section (a)(3);

11 (C) establish or designate the agency, and  
12 establish the structure, described in subsection  
13 (a)(4);

14 (D) establish the system described in sub-  
15 section (a)(5); and

16 (E) implement the standards described in  
17 subsection (a)(6).

18 (c) MODIFICATION.—Notwithstanding any other pro-  
19 vision of this Act and to the extent the Commission deter-  
20 mines it is appropriate and fiscally responsible, the Com-  
21 mission may include in the joint resolution a provision to  
22 reduce the period between the date of the enactment of  
23 this Act and the effective date provided in section 211(c).

24 (d) PROHIBITION ON ADDITIONAL ENTITLE-  
25 MENTS.—

1           (1) PROHIBITION.—The Commission may not  
 2       submit a joint resolution under subsection (b) that  
 3       establishes an additional right for any person to  
 4       bring an action to obtain services under the pro-  
 5       grams established in such resolution.

6           (2) RELATIONSHIP TO EXISTING ENTITLE-  
 7       MENTS.—The Commission shall not be prohibited  
 8       from submitting such a resolution—

9           (A) that maintains the right of a person to  
 10       receive Federal assistance by participating in  
 11       such services, if the person is required under  
 12       Federal law other than the resolution to partici-  
 13       pate in a covered activity described in section  
 14       101(b)(2)(C) or 103(b)(3) to receive the assist-  
 15       ance; or

16       (B) that does not maintain such right.

17 **SEC. 213. CONGRESSIONAL CONSIDERATION OF PROPOSED**  
 18 **COMMISSION REFORMS.**

19       (a) EXPEDITED PROCEDURE.—

20           (1) CONTENTS OF RESOLUTION.—For the pur-  
 21       poses of this section, the term “joint resolution”  
 22       means the joint resolution described in section 212.

23           (2) REFERRAL TO COMMITTEE.—A joint resolu-  
 24       tion introduced in the House of Representatives  
 25       shall be referred to the Committee on Education and

1 Labor of the House of Representatives. A joint reso-  
2 lution introduced in the Senate shall be referred to  
3 the Committee on Labor and Human Resources of  
4 the Senate. Such a joint resolution may not be re-  
5 ported before the 15th day after the introduction of  
6 the joint resolution.

7 (3) DISCHARGE OF COMMITTEE.—If a commit-  
8 tee to which a joint resolution is referred has not re-  
9 ported such joint resolution (or an identical joint  
10 resolution) at the end of 30 days after the introduc-  
11 tion of the joint resolution, such committee shall be  
12 deemed to be discharged from further consideration  
13 of such joint resolution and such joint resolution  
14 shall be placed on the appropriate calendar of the  
15 House involved.

16 (4) MOTION TO PROCEED.—When a committee  
17 to which a joint resolution is referred has reported,  
18 or has been deemed to be discharged (under para-  
19 graph (3)) from further consideration of, a joint res-  
20 olution, it is at any time thereafter in order (even  
21 though a previous motion to the same effect has  
22 been disagreed to, and notwithstanding the provi-  
23 sions of rule XXII of the Standing Rules of the Sen-  
24 ate) for any Member of the respective House to  
25 move to proceed to the consideration of the joint res-

1        olution, and all points of order against the joint res-  
2        olution (and against consideration of the joint reso-  
3        lution) are waived. The motion is highly privileged in  
4        the House of Representatives and is privileged in the  
5        Senate and is not debatable. The motion is not sub-  
6        ject to amendment, or to a motion to postpone, or  
7        to a motion to proceed to the consideration of other  
8        business. A motion to reconsider the vote by which  
9        the motion is agreed to or disagreed to shall not be  
10       in order. If a motion to proceed to the consideration  
11       of the joint resolution is agreed to, the joint resolu-  
12       tion shall remain the unfinished business of the re-  
13       spective House until disposed of.

14                (5) FLOOR CONSIDERATION IN THE HOUSE OF  
15       REPRESENTATIVES.—

16                (A) GENERAL DEBATE.—General debate  
17       on a joint resolution in the House of Represent-  
18       atives shall be limited to not more than 10  
19       hours, which shall be divided equally between  
20       the majority and minority parties. A motion  
21       further to limit debate is not debatable. A mo-  
22       tion to recommit the joint resolution is not in  
23       order, and it is not in order to move to recon-  
24       sider the vote by which the joint resolution is  
25       agreed to or disagreed to.

1           (B) CONSIDERATION.—Consideration of  
2 any joint resolution by the House of Represent-  
3 atives shall be in the Committee of the Whole,  
4 and the resolution shall be considered for  
5 amendment under the 5-minute rule in accord-  
6 ance with the applicable provisions of rule  
7 XXIII of the Rules of the House of Representa-  
8 tives. After the Committee rises and reports the  
9 resolution back to the House, the previous ques-  
10 tion shall be considered as ordered on the reso-  
11 lution and any amendments thereto to final  
12 passage without intervening motion.

13           (C) CONFERENCE REPORT.—Debate in the  
14 House of Representatives on the conference re-  
15 port on any joint resolution shall be limited to  
16 not more than 5 hours, which shall be divided  
17 equally between the majority and minority par-  
18 ties. A motion further to limit debate is not de-  
19 batable. A motion to recommit the conference  
20 report is not in order, and it is not in order to  
21 move to reconsider the vote by which the con-  
22 ference report is agreed to or disagreed to.

23           (D) RULES OF THE HOUSE OF REP-  
24 RESENTATIVES.—Appeals from decisions of the  
25 Chair relating to the application of the Rules of



1 the House of Representatives to the procedure  
2 relating to any joint resolution shall be decided  
3 without debate.

4 (6) DEBATE IN THE SENATE.—

5 (A) GENERAL DEBATE.—Debate in the  
6 Senate on any joint resolution, and all amend-  
7 ments thereto and debatable motions and ap-  
8 peals in connection therewith, shall be limited  
9 to not more than 50 hours. The time shall be  
10 equally divided between, and controlled by, the  
11 majority leader and the minority leader or their  
12 designees.

13 (B) AMENDMENTS.—Debate in the Senate  
14 on any amendment to a joint resolution shall be  
15 limited to 2 hours, to be equally divided be-  
16 tween, and controlled by, the mover and the  
17 manager of the joint resolution, and debate on  
18 any amendment to an amendment, debatable  
19 motion, or appeal shall be limited to 1 hour, to  
20 be equally divided between, and controlled by,  
21 the mover and the manager of the joint resolu-  
22 tion, except that in the event the manager of  
23 the joint resolution is in favor of any such  
24 amendment, motion, or appeal, the time in op-  
25 position thereto shall be controlled by the mi-

1           nORITY leader or his designee. No amendment  
 2           that is not relevant to the provisions of such  
 3           joint resolution shall be received. Such leaders,  
 4           or either of them, may, from the time under  
 5           their control on the passage of the joint resolu-  
 6           tion, allot additional time to any Senator during  
 7           the consideration of any amendment, debatable  
 8           motion, or appeal. Immediately following the  
 9           conclusion of the debate on a joint resolution,  
 10          and a single quorum call at the conclusion of  
 11          the debate if requested in accordance with the  
 12          rules of the Senate, the vote on final passage of  
 13          the joint resolution shall occur.

14           (C) MOTIONS.—A motion to further limit  
 15          debate is not debatable. A motion to recommit  
 16          (except a motion to recommit with instructions  
 17          to report back within a specified number of  
 18          days, not to exceed 3) is not in order. Debate  
 19          on any such motion to recommit shall be limited  
 20          to 1 hour, to be equally divided between, and  
 21          controlled by, the mover and the manager of  
 22          the joint resolution.

23           (D) CONFERENCE REPORT.—

24           (i) MOTION TO PROCEED.—A motion  
 25          to proceed to the consideration of the con-

ference report on any joint resolution may be made even though a previous motion to the same effect has been disagreed to.

(ii) AMENDMENTS.—During the consideration in the Senate of the conference report (or a message between Houses) on any joint resolution and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and con-

1           trolled by, the manager of the conference  
2           report and the minority leader or his des-  
3           ignee. No amendment that is not relevant  
4           to the provisions of such amendments shall  
5           be received.

6           (7) COORDINATION WITH ACTION BY OTHER  
7           HOUSE.—If, before the passage by one House of a  
8           joint resolution of that House, that House receives  
9           from the other House a joint resolution, then the  
10          following procedures shall apply:

11                 (A) The joint resolution of the other House  
12                 shall not be referred to a committee.

13                 (B) With respect to a joint resolution of  
14                 the House receiving the joint resolution—

15                         (i) the procedure in that House shall  
16                         be the same as if no joint resolution had  
17                         been received from the other House; but

18                         (ii) the vote on final passage shall be  
19                         on the joint resolution of the other House.

20           (8) TIME LIMIT FOR ACTING.—The vote on pas-  
21           sage of the joint resolution in each House shall  
22           occur on or before the date that is 29 months after  
23           the date of enactment of this Act.

24           (9) COMPUTATION OF DAYS.—For purposes of  
25           this subsection, in computing a number of days in

1       either House, there shall be excluded any day on  
2       which the House is not in session.

3       (b) RULES OF HOUSE OF REPRESENTATIVES AND  
4 SENATE.—This section is enacted by Congress—

5           (1) as an exercise of the rulemaking power of  
6       the Senate and House of Representatives, respec-  
7       tively, and as such this section is deemed to be a  
8       part of the rules of each House, respectively, but ap-  
9       plicable only with respect to the procedure to be fol-  
10      lowed in that House in the case of a joint resolution,  
11      and this section supersedes other rules only to the  
12      extent that this section is inconsistent with such  
13      rules; and

14          (2) with full recognition of the constitutional  
15      right of either House to change the rules (so far as  
16      relating to the procedure of that House) at any time,  
17      in the same manner and to the same extent as in  
18      the case of any other rule of that House.

○

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